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RE: Docket No. FV03-925-1PR  
Federal Register Vol.70, No. 100, Page 30001  
Grapes Grown in a Designated Area of Southeastern California and Imported  
Table Grapes; Proposed Change in Regulatory Period  
**COMMENTS IN OPPOSITION TO PROPOSED CHANGE**

Dear Docket Clerk:

**FEDERACION GREMIAL NACIONAL DE PRODUCTORES DE FRUTAS -**  
FEDEFruta opposes the above referenced change in the effective date of Table  
Grape Marketing Order 925 and the companion Table Grape Import Regulation 4 that  
will further restrict table grapes supplied from Chile.

FEDEFruta is an federation representing growers of fresh fruits in Chile,  
including table grape growers. FEDEFruta's members produce and ship 38 million  
boxes of table grapes to the U.S. annually, representing approximately 70% of the total  
table grape export to the U.S.

The proposed change in the beginning effective date of Marketing Order 925  
and Table Grape Import Regulation 4 from April 20 to April 1 will have a direct negative  
impact on our member growers, especially those who export table grapes in the April 1  
to April 20 period. Table grapes harvested from April 1 through April 20 come from the  
southern regions - Region Metropolitana, and Region VI, VII and VIII. Approximately  
1,800 table grape growers cultivate in these regions, accounting for approximately  
11,830 hectares - 24% of the total area planted with table grapes in Chile. If the  
Proposed Rule should be adopted, 7,537,003 boxes of table grapes shipped from  
these regions to the U.S. (average over the last three years) will be excluded from the  
U.S. supply, amounting to US\$ 103,419,614.



Furthermore, FEDEFRUTA concurs with, and incorporates herein by reference, the detailed comments and supporting data submitted by ASOEX, the Chilean Exporters Association. Specifically, FEDEFRUTA urges the agency to reject the proposed change in the regulatory period because:

1. The Proposed Rule imposes marketing order standards on Chilean supplies when no domestic varieties are available, and therefore constitutes a non-tariff barrier contrary to the terms of WTO Agreements and the U.S.-Chile Free Trade Agreement.
2. The Proposed Rule assesses inspection fees starting April 1 when no domestic supplies are being so charged, and thereby violates Article III and Article VIII of GATT 1994.
3. The Proposed Rule does not contain any evidence of circumvention by Chilean table grapes sufficient to warrant the proposed change.
4. The change in date from April 20 to April 1 will create an artificial shortage of table grapes since there is no other commercially significant and reliable supply from any source other than Chile.
5. The Chilean grapes supplied from April 1 to the earliest commercially significant supplies of grapes from Coachella Valley in California meet marketing specifications from retail chains that are more stringent in some respects than the marketing order requirements.
6. The proposed change cannot be validly based on a 20 year-old survey of cold storage practices.
7. The proposed change can not be justified under the criteria established by the AMAA for a change in the beginning effective date of Marketing Order 925 or the companion Table Grape Import Regulation 4 in view of the record prices received by Coachella Valley growers in the last two seasons.

FEDEFRUTA members have made substantial capital investment over time to produce and supply quality table grapes worldwide. The proposed change in the effective beginning date will create a serious business risk to our member growers because of the uncertainty and the cost involved in the transportation of the fruit. We strongly urge USDA to reject the Proposed Rule.

Respectfully submitted,

**LUIS SCHMIDT MONTES**  
**PRESIDENT**  
**FEDEFRUTA**